

HON. J. KELLEY ARNOLD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES Q. WILKINSON,

Plaintiff,

v.

ELDON VAIL; SANDRA CARTER;
TINA ADAMS; EARL RICHARDSON;
GREGORY OLEKAS; SAUL
MAZARIEGO; JOHN IDES; MICHAEL
CHRISTENSEN; DAVID O'NEEL;
PHYLLIS ELLIS; and ROBERT
SIGNOR,

Defendants.

NO. C05-5656 JKA

ORDER ON MOTION IN LIMINE
REGARDING EVIDENCE OF OTHER
ACTS

THE COURT, having reviewed the Plaintiff's Motion in Limine Regarding Evidence of Other Acts, as well as Defendants' Response and Plaintiff's Reply, if any, hereby rules on Plaintiff's Motion in Limine Regarding Evidence of Other Acts as follows:

- 1) Testimony and other evidence detailing the crimes for which Mr. Wilkinson and his assailants, and any other prisoner witnesses, were convicted, and the facts surrounding those crimes, are excluded – DENIED.
- 2) Testimony and other evidence detailing in-custody infractions by Mr. Wilkinson and his attackers, and the facts surrounding those infractions will be admitted - GRANTED.

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3) Testimony and other speculative evidence regarding other possible motivations for the assault, which have never been proven and are based solely on hearsay are excluded - GRANTED.

4) All hearsay evidence, and any anticipated testimony based on that evidence, contained in the report of Defendants' "expert" witness Brian Parry is excluded - GRANTED.

5) Mr. Parry's opinions, to the extent they are not the proper subject of "expert" testimony and would not assist the trier of fact, are excluded - GRANTED.

SO ORDERED this 27th day of April, 2007.

/s/ J. Kelley Arnold
HON. J. KELLEY ARNOLD
UNITED STATES MAGISTRATE JUDGE

Presented by:

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